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September 20, 2017

VIA ECF

The Honorable Joan N. Ericksen
District Judge, District of Minnesota
United States District Court
12W U.S. Courthouse
300 South Fourth Street
Minneapolis, MN 55415

RE: *In re Bair Hugger*, MDL No. 15-2666-JNE-FLN

Dear Judge Ericksen:

I am writing to update the Court on Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 (ECF No. 715). This Motion concerns PFS deficiencies.

Two cases that were part of that motion have been voluntarily dismissed with prejudice by stipulation: Garger (17-0767) and White (17-0829).

In addition, based upon submissions of PFSs or amended PFSs by plaintiffs in certain cases after the filing of the Motion, and other assurances from plaintiffs' counsel, Defendants will not seek dismissal of their cases at this time. These cases are: Warren (17-1027), Johnson (16-4288), Chavers (16-0514), Chenoweth (16-2213), Moses (16-3062), Stewart (16-081), and Zivanovich (16-2957). Defendants may seek dismissal of one or more of these cases at a later date, following additional review of those submissions.

Defendants do not object to plaintiff's proposal in King (16-2428) that 90 days be allowed for a new individual with power of attorney to be appointed and to cure all PFS deficiencies. (See ECF No. 839.)

Defendants continue to request the dismissal with prejudice of the following cases: Lee (17-0971), Saldana (17-0977), West (17-0984), Kauanui (16-4290), Warren (17-0435), Redford (16-2055), Van Wart (16-0625), Zenner (17-1774).

Sincerely,

/s/ Benjamin W. Hulse

Benjamin W. Hulse
BWH:ck